

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SERGEI KOVALEV,

Plaintiff,

v.

LIDL US, LLC, et al.,

Defendants.

CIVIL ACTION  
NO. 21-3300

**ORDER**

**AND NOW**, this 21st day of December 2022, upon consideration of Lidl Defendants' Motion to Dismiss Certain Counts and Strike Allegations from Plaintiff's Amended Complaint (Doc. Nos. 41, 66), H&S Defendants' Motion to Dismiss Certain Counts and Strike Allegations from Plaintiff's Complaint (Doc. No. 70), Lidl Stiftung's Motion to Dismiss Plaintiff's Amended Complaint for Lack of Jurisdiction and, in the Alternative, to Dismiss Certain Counts and Strike Allegations from Plaintiff's Amended Complaint (Doc. No. 73), Plaintiff's Responses (Doc. Nos. 52, 67, 72, and 74), Lidl US, LLC's Reply (Doc. No. 53), the arguments of Plaintiff and defense counsel at the hearing on Lidl US, LLC's Motion to Dismiss (Doc. No. 68), and in accordance with the Opinion of the Court issued this day, it is **ORDERED** as follows:

1. Lidl Stiftung's Motion to Dismiss Plaintiff's Amended Complaint for Lack of Jurisdiction is **GRANTED**. Lidl Stiftung will be dismissed as a Defendant in this case.
2. Lidl Defendants' and H&S Defendants' Motions to Dismiss are **GRANTED** in part and **DENIED** in part. The claims remaining in this case are: (1) strict liability (Count I); (2) breach of the implied warranty of merchantability (Count

III); (3) negligence (Count V); and (4) negligent infliction of emotional distress (Count VII).

3. Lidl Defendants' and H&S Defendants' Motions to Strike are **DENIED**.
4. Defendants shall file an Answer by **January 11, 2022**.

BY THE COURT:

/s/Joel H. Slomsky, J.  
JOEL H. SLOMSKY, J.